



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,908	02/10/2005	Isabela Ferri	D 43458-01-US	1318
7590 Scaled Air Corporation P O Box 464 Duncan, SC 29334				
EXAMINER CHIVUKULA, SURAJ				
ART UNIT		PAPER NUMBER		
4174				
MAIL DATE		DELIVERY MODE		
01/11/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/500,908

Applicant(s)

FERRI ET AL.

Examiner

SURAJ CHIVUKULA

Art Unit

4174

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 5-22 and 26-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 3/11/2005
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The references listed in the Information Disclosure Statement filed on March 11, 2005 have been considered by the examiner (see attached PTO-326 form).

Claim Objections

2. Claims 5-22 and 26-36 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiply dependent claim. See MPEP § 608.01(n). Accordingly, claims 5-22 and 26-36 have not been further treated on the merits.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

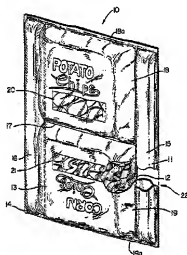
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (US Patent 5137154) in view of Pharo (US Patent 5272856).

Regarding claims 1 and 23, Cohen discloses top and bottom film (column 2 lines

40-41) sealed together so that it is able to contain the product (column 2 line 42) with a frame adapted to support the chamber portion when the frame is inflated

(Figure 1 #15 and #16, column 2 lines 62-66).



5. Regarding claims 2 and 25, Cohen discloses top and bottom sheets sealed together at an outer seal zone proximate to the perimeter of the frame (Figure 1 #11 and #14, column 2 lines 42-43) and at an inner seal zone proximate to the chamber portion (Figure 1 #12 and #13, column 2 lines 42-43).

6. Regarding claims 3-4, Cohen discloses the lid sheet comprising both the top frame sheet and chamber sheet and the base sheet comprising both the bottom frame sheet and the bottom chamber sheet and the sheet extending continuously from the frame to the chamber portion with the lid sheet and base sheet formed from respective webs (Figure 1 #10, column 2 lines 40-41).

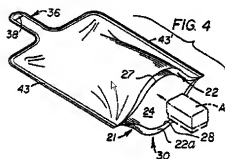
7. Regarding claim 24, Cohen discloses folding a portion of the base sheet over the

Art Unit: 4174

product to form the lid sheet (column 2 lines 39-40)

It should be noticed that Cohen fails to disclose the frame circumscribing the chamber portion.

8. Pharo discloses a frame circumscribing the chamber portion (Figure 4 #22 and #22a, column 6 lines 51-52).



9. Both Cohen and Pharo are related to inflatable compartment packaging. One wishing to solve the problem of having an inflatable frame which circumscribes the chamber portion of the package would combine references. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the package disclosed by Cohen to have the frame portion circumscribe the chamber, as disclosed by Pharo.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suraj Chivukula whose telephone number is (571) 270-

Art Unit: 4174

3471. The examiner can normally be reached on M-F 7:30am-5:00pm EST (1st Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Lawrence Tarazano can be reached on (571) 272-1515. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call (800) 786-9199 (IN USA OR CANADA) or (571) 272-1000.

/D. Lawrence Tarazano/
Primary Examiner, Art Unit 4174

Suraj Chivukula
Examiner
Art Unit 4174